8006659/2023/OP-BUD-MNW01

GOVERNMENT OF AHDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Minorities Welfare Department –Departmental Proceedings against Sri. Shaik Mohammad Rafi, District Minorities Welfare Officer, Ananthapuramu District, under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules 1991- Articles of Charges - Issued.

MINORITIES WELFARE (VIG) DEPARTMENT

G.O.Rt.No.216, **Dated:03.10.2023.**

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O R D E R

It is proposed to hold an inquiry against Sri. Shaik Mohammad Rafi, District Minorities Welfare Officer, Ananthapuramu District in accordance with the procedure laid down under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 for the alleged charges specified herein.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the article of charge is proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri. Shaik Mohammad Rafi, District Minorities Welfare Officer, Ananthapuramu District is directed to submit his written statement of defense within (10) days from the receipt of this order and also state whether he desires to be heard in person.

4. Sri. Shaik Mohammad Rafi, District Minorities Welfare Officer, Ananthapuramu District, is informed that an inquiry will be held only in respect of those articles of charge which are not specifically admitted herein. He should, therefore, specifically admit or deny article of charge. He is further informed that adequate opportunity for perusal of records will be made available during the course of inquiry.

5. Sri. Shaik Mohammad Rafi, District Minorities Welfare Officer, Ananthapuramu District, is further informed that if he does not submit his written statement of defence on or before the stipulated time, or does not appear in person before the disciplinary authority or otherwise fails or refuses to comply with the provisions of rule-20 of the APCS (CC&A) Rules 1991, or the orders/directions issued in pursuance of said Rules, the inquiring authority may hold inquiry against him ex-parte.

6. Attention of Sri. Shaik Mohammad Rafi, District Minorities Welfare Officer, Ananthapuramu District, is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri. Shaik Mohammad Rafi aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of this order should be acknowledged.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

A MD IMTIAZ
SECRETARY TO GOVERNMENT

To
Sri. Shaik Mohammad Rafi, District Minorities Welfare Officer,
Ananthapuramu District (through the District Collector, Ananthapuram District).
Sc/Sf.

//FORWARDED::BY ORDER//

B. John
SECTION OFFICER

(Annexure to G.O.Rt.No.216, MINORITIES WELFARE (VIG) DEPARTMENT, Dated: 03.10.2023)

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI. SHAIK MOHAMMAD RAFI, DISTRICT MINORITIES WELFARE OFFICER, ANANTHAPURAMU DISTRICT

ARTICLE OF CHARGE- I

"That Sri Shaik Mohammed Rafi, District Minorities Welfare Officer, Ananthapuram and his staff have processed a bill for an amount of Rs.1,76,000/- which was credited on 05.12.2020 through Cheque No.198699 to the Account No. NEFT-UBINA 2034090673 towards salary to Sri Shaik Arshad Ali appointed by the District Minorities Welfare Officer and subsequently drawn the said amount irregularly. Later the said amount was recovered and adjust to the account of Director, Minorities Welfare, Tadepalli on 16.02.2021.

By his above mentioned acts, he has failed to maintain absolute integrity, devotion to duty and conduct unbecoming of public servant by violating rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964. Hence the charge.

ARTICLE OF CHARGE –II

"That Sri Shaik Mohammed Rafi, District Minorities Welfare Officer, Ananthapuramu instead of utilizing the official vehicle, used another private vehicle and he and his staff have prepared the bills to an amount of Rs.70,000/- for making payment of one Bathala Vijaya Kumar through Cheque No.198700, dated:05.12.2020 and subsequently drawn the said amount fraudulently. Later the said amount was recovered and adjusted to the account of Director, Minorities Welfare, Tadepalli on 16.2.2021."

By his above mentioned acts, he has failed to maintain absolute integrity, devotion to duty and conduct unbecoming of public servant by violating rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964. Hence the charge.

ARTICLE OF CHARGE –III

"That Sri Shaik Mohammed Rafi, District Minorities Welfare Officer, Ananthapuramu District and his staff have prepared and processed a bill for an amount of Rs.1,54,791/- (one lakh fifty four thousand seven hundred and ninety one) in respect of Sri. Shaik Mahaboob Basha fraudulently as subsistence allowance for the period from 27.08.2012 to 31.08.2013 without verifying Service Register even though the individual has already drawn the subsistence allowance for the said period.

By his above mentioned acts, he has failed to maintain absolute integrity, devotion to duty and conduct unbecoming of public servant by violating rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964. Hence the charge.

A MD IMTIAZ
SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

B. John Steven
SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF FRAMED AGAINST SRI. SHAIK MOHAMMAD RAFI, DISTRICT MINORITIES WELFARE OFFICER, ANANTHAPURAMU DISTRICT, ARE PROPOSED TO BE SUSTAINED.

Imputations of Charge I, II &III:-

The Special Commissioner, Minorities Welfare through Progs.Rc.No.1596/B5/ CMW/2020-8, Dt:27.11.2020 has released an amount of Rs.2,46,000/- was released Towards Administrative expenses for the financial year 2019-20 as details is as follows:

Sl.No	Name of the District	Name of the Head/Item	Amount	Remarks
1		Remuneration of Skill Assistant	1,76,000/-	Released to meet the expenditure one skill assistant @ Rs.22,000/- per month
2	Ananthapuramu	Miscellaneous – Hire Vehicle Charges	70,000/-	Released to meet the expenditure to words the Hire Charge for verification

And the District Minorities Welfare Officer was directed to utilize the amount to clear the pending bills in the financial year 2019-20 under proper Heads and submit to UC's in the format prescribed as per the Government of India guidelines.

As seen from the record it is noticed that the office staff has processed the corresponding file for making payment as details is as follows:

Sl.No.	Name of the Skilled Assistant/ Vehicle owner and Details	Nature of Work	No. of Months Engaged	Amount Released (in Rs.)	Cheque Details
1	Sri Shaik Arshad Ali S/o Shaik Shajahan Adm No.10F51A0410-Sl.No.PC0140481 Electronics & Communication Engineering-B.Tech – J.N.T.U. Ananthapuramu – Aadhar No.62365633084-S.B.H., Ram Nagar, Ananthapuramu IFSC Code:SBHY002099	Forwarding of Scholarships Applications from District Nodal Officer Login to State Nodal Officer Login	From August 2019 to March 2020(08 Months) @ Rs.22,000/- per month.	1,76,000=00	Cheque No.198669, Dt:01.12.2020 for an Total Amount of Rs.1,76,000=00 in favour of Shaik Ardhad Ali
2	Sri Batthula Vijaya Kumar S/o K.B. Prasad Rao, D.no.26-131-1A, Gnanapuram, Nandyal, Kurnool District- Account 276710100005057*Andhra Bank, Nandyal, IFSC Code:ANDB0002767	Miscellaneous – Hire Vehicle charges Vehicle No.AP39V2850, INNOVA CRYSTA-204/G	September 2019 & October 2019-2 Months @ Rs.35,000/- per month	70,000=00	Cheque No.198700, Dt:04.12.2020 for an Total Amount of Rs.70,000=00 in favour of Mr.Batthula Vijaya Kumar
			Total Amount Rs:2,46,000/-		

Subsequently having known that, the above amounts were improperly processed for making payment as above, the entire amount was recovered from the concerned and adjusted to the account of Director, Minorities Welfare, Tadepalli on 16.02.2021.

Sri. Shaik Mahaboob Basha, Senior Assistant during his tenure as Senior Assistant in the office, has claimed enhancement of leave. He while working as MRI at Ananthapuramu, he has faced criminal case (no.41/2012 of Amarapuram P.S). He was arrested and remanded, thereby he was kept under suspension and subsequently he was acquitted from the case and was reinstated to duty in the reference A2/6669/2012,

(P.T.O)

Dt:18.12.2019 the District Collector issued as endorsement to the said Sri. Shaik Mahaboob Basha duly rejecting his application for treating the period of suspension as duty period it was clearly shown in the said reference that the period of suspension was treated as No work No Pay. Subsequently in FDs No.A2/6080/2019, Dt:30.12.2019 the District Collector had issued proceedings duly regularizing the suspension period of 278 days of Sri Shaik Mahaboob Basha has Earn Leave/Half pay leave as details is as follows:

Sl.No.	Period from to	Proposed for treating of the period as	Leave credited in account	Balance of Leave after sanction of present leave
1	27-08-2012 to 06.11.2012	Earned Leave for 74 days	257	183
2	09.11.2012 to 31.05.2013	Half pay leave for 204 days	204	NIL
Total -278			-	-

In the proceedings, the District Minorities Welfare Officer, Ananthapuramu was requested to see that necessary entries are made in the S.R. of the individual under proper attestation.

As soon as the above proceedings are delivered, a bill for an amount of Rs.1,54,791/- processed for sanction in favour of Sri. Shaik Mahaboob Basha, the orders were issued by the Collector on 30.12.2019 and the bill for Rs.1,54,791/- was processed on 30.12.2019 without verifying Service Register.

As per the proceedings of the Tahsildar, Pamidi vide Rc.No.C/217/2020, Dt:05.06.2020 has replied that Sri Shaik Mahaboob Basha while working as M.R.I. has drawn subsistence allowance from 27.08.2012 to 31.01.2013 as back as on 05.06.2020. Concealing all these facts, Sri. Shaik Mahaboob Basha has managed the staff in the office and got processed the bill for Rs.1,54,791/- for fraudulent gain even though the individual has already drawn the subsistence allowance for the said period.

By the above acts, Sri S. Mohammed Rafi, District Minorities Welfare Officer, Ananthapuramu, has failed to maintain absolute integrity, devotion to duty and conduct unbecoming of public servant by violating rule 3 of Andhra Pradesh Civil Services (Conduct) Rules,1964 and his actions the Charged Officer rendered himself liable for disciplinary action. Hence the Charge.

A MD IMTIAZ
SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE – III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI. SHAIK MOHAMMAD RAFI, DISTRICT MINORITIES WELFARE OFFICER, ANANTHAPURAMU DISTRICTARE PROPOSED TO BE SUSTAINED.

Inquiry report of Joint Collector, Ananthapuramu District, Lr.Rc.No.13/JC(A&W),2021, Dated:26.03.2022.

A MD IMTIAZ
SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESSES BY WHOM BY THE ARTICLE OF CHARGES FRAMED AGAINST SRI. SHAIK MOHAMMAD RAFI, DISTRICT MINORITIES WELFARE OFFICER, ANANTHAPURAMU DISTRICT TO BE SUSTAINED.

---NIL---

A MD IMTIAZ
SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

R. John Stevan
SECTION OFFICER